

OCT 14 2010

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JAMES C. FORMAN,
Plaintiff,

v.

BRYAN WATSON, WARDEN,
Defendant.

)
) Civil Action No. 7:10-cv-00445
)

) MEMORANDUM OPINION
)

) By: Samuel G. Wilson
) United States District Judge

Plaintiff James C. Forman, a Virginia inmate proceeding pro se, filed a motion to proceed in forma pauperis and an action pursuant to 42 U.S.C. § 1983 alleging that his Virginia Parole Board hearing was “not procedurally fair” and asking for a new hearing. Forman previously raised the same claim concerning the same hearing in a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, which the court construed as a § 1983 complaint and dismissed for failure to state a claim. See Forman v. Watson, Civil Action No. 7:10cv00326 (W.D. Va. Aug. 6, 2010). For the reasons stated in the court’s previous opinion on this same matter, the court again finds that Forman has failed to state a claim of constitutional magnitude and dismisses his complaint pursuant to 28 U.S.C. § 1915(e)(2). Further, upon consideration of Forman’s motion to proceed in forma pauperis, the court grants him the opportunity to proceed with out prepayment of fees.

The Clerk is directed to send a certified copy of this memorandum opinion and the accompanying order to the plaintiff.

ENTER: This 14th day of October, 2010.

[Signature]

United States District Judge